

Application No.: 09/780,490

PATENT  
Docket No.: MYC-002 US  
7030442001

REMARKS

In response to the above-referenced Office Action, the Applicants submit the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks.

Rejection under 35 U.S.C. 112

The Examiner rejected claim 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants amended claim 13 to overcome this rejection.

Rejection under 35 U.S.C. 102 (e)

The Examiner rejected claims 1, 5, 7, 8, 17, 21, 23-26, 28-32, 34-38 and 40-42 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,175,860 (hereinafter "Gaucher"). The Examiner rejected claims 9, 11, 13, 15 and 16 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,546,419 (hereinafter "Humpleman").

The references, individually or in the combination, do not teach or suggest all limitations of claim 1 or the other independent claims of the present application.

Neither Gaucher nor Humpleman teach or suggest:

establishing a connection with a remote device from the web-based host;  
communicating graphical interface files to the remote device from the web-based host, the graphical interface files for allowing a user of the remote device to select a home device to monitor and/or control and for allowing the user of the remote device to specify how to monitor and/or control the home device;

receiving monitoring and/or control information from the remote device at the web-based host, the monitoring and/or control information selected through the graphical interface files;

establishing a connection with a home from the web-based host; and  
communicating the monitoring and/or control information to the home, wherein the monitoring and/or control information causes monitoring information to be obtained

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from a home device in the home and/or causes the a home device in the home to be controlled (*Emphasis Added*).

Gaucher discloses an automatic multi-rate wireless/wired computer network. The disclosed AC network generates an RF field, and once home devices are introduced into the RF field, the devices are automatically registered and configured into the network without any user intervention. (see Abstract). In Gaucher **none** of the devices connected to the AC network are web-based devices. The Office Action states that network box 16 in the Gaucher system is a web-based host. (see Office Action, page 8). Network box 16, however, is simply a network device that is implemented as part of a network in an indoor environment, i.e. home or office, and is not web-based. (Column 2, line 30 – Column 4, line 12). Thus, the reference does not disclose a web-based host, as required by the claimed invention.

Moreover, Gaucher fails to disclose or suggest communicating graphical interface files to the remote device from the web-based host. In fact, the Examiner conceded that Gaucher does not teach or suggest this claim limitation on page 15 of the Office Action. Thus, Gaucher does not anticipate the claimed invention.

Humpleman also fails to anticipate the claimed invention, as it does not disclose or suggest a remote device. Humpleman discloses a system for providing inter-device communication in a home network, wherein home devices can share information through the home network. (see Abstract). In Humpleman, home, client and server devices are part of the same network and are located in the same geographic location – home. Although, Humpleman discloses that a client device can be a PDA, Humpleman fails to disclose that the PDA client device is a remote device. In fact, in Humpleman the PDA client device is part of the same network and is located in the same geographic location as other devices in the home network – at home, and thus is not a remote device.

In addition, Humpleman fails to teach or suggest a web-based host, as none of the disclosed devices are web-based.

Thus neither Gaucher nor Humpleman teach or suggest the invention as claimed.

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The Examiner also rejected claims 2 and 8 under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view of U.S. Publication No. 2003/0109938 (hereinafter "Daum"). The Examiner also rejected claims 3 and 19 under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view of Humpleman. In addition, the Examiner rejected claims 4 and 20 under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view of U.S. Patent 6,553,336 (hereinafter "Johnson"). Moreover, the Examiner rejected claims 6, 22, 27, 33 and 39 under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view of U.S. Patent 6,236,332 (hereinafter "Conkright") and further in view of Johnson. The Examiner rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of U.S. Patent 6,496,862 (hereinafter "Akatsu"). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Johnson. And claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Conkright.

As described above, neither Gaucher nor Humpleman teach or suggest the present invention as claimed. None of the other references are cited by the Examiner to teach or suggest the above-identified shortcomings of Gaucher and Humpleman, because these references do not teach or suggest these shortcomings and do not render the present invention, as claimed, obvious.

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7030442001**CONCLUSION**

The Applicants submit that the rejections under 35 U.S.C. 102 and 103 have been addressed, and withdrawal of these rejections is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

Reconsideration and allowance of all pending claims are respectfully requested. The Examiner may call the Assignee's attorney at the number below to further advance prosecution of this case to issuance.

Respectfully submitted,

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